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Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by the Russian Federation under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

I. Introduction

1. The Committee considered the report of the Russian Federation (CRC/C/OPSC/RUS/1) at its 2293rd meeting (see CRC/C/SR.2293), held on 22 May 2018, and adopted the present concluding observations at its 2310th meeting, held on 1 June 2018.

2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPSC/RUS/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. General observations

Positive aspects

3. The Committee welcomes the measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including the adoption of the following legislation:

(a) Federal Act No. 199-FZ of 23 June 2016 amending article 242.1 of the Criminal Code to Combat the Circulation of Pornography involving Minors and to Minors;

(b) Federal Act No. 432-FZ of 28 December 2013 amending Individual Legal Acts of the Russian Federation to Improve the Rights of Victims in Criminal Proceedings;

(c) Federal Act No. 167-FZ of 2 July 2013 amending Individual Legal Acts of the Russian Federation on Matters Relating to the Placement of Orphans and Children without Parental Care;

(d) Federal Act No. 14-FZ of 29 February 2012 amending the Criminal Code of the Russian Federation and Individual Legal Acts of the Russian Federation to Announce Liability for Crimes of a Sexual Nature Committed against Minors.

4. The Committee notes with appreciation the progress achieved in the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including the adoption of the National Strategy on Action for Children 2012–2017, approved by Presidential Decree No. 761 of 1 June 2012.

* Adopted by the Committee at its seventy-eighth session (14 May–1 June 2018).

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III. Data

Data collection

5. The Committee welcomes the data provided by the State party in relation to the offences against children under the Optional Protocol. However, it is concerned that:

(a) The data provided is not disaggregated by nationality, ethnic origin, socioeconomic background, disability and geographical area, and whether or not the child belongs to a migrant family or is an unaccompanied child migrant;

(b) No data was provided on child victims of offences under the Optional Protocol who have received assistance relating to their physical and psychological recovery and social reintegration and compensation or reparation for the damage suffered.

6. **The Committee urges the State party to:**

(a) **Develop and implement a comprehensive and systematic data-collection system, including for analysis, monitoring and impact assessment, covering all offences and areas provided for in the Optional Protocol and all territories of the State party;**

(b) **Disaggregate the data collected, inter alia, by sex, age, nationality, ethnic origin, socioeconomic background, disability and geographical area with a focus on children at specific risk of becoming victims of the offences covered by the Optional Protocol, such as children accompanying their migrant families and unaccompanied child migrants.**

IV. General measures of implementation

General principles of the Convention on the Rights of the Child (arts. 2, 3, 6 and 12)

Comprehensive policy and strategy

7. While noting the National Strategy on Action for Children 2012–2017, which addresses violence against children, and the President's Decree declaring 2018–2027 a "Decade of Childhood", the Committee regrets the lack of a comprehensive strategy covering all areas under the Optional Protocol, including all forms of the sale of children addressed in articles 2 and 3 of the Optional Protocol.

8. **The Committee recommends that the State party develop a comprehensive strategy aimed at addressing all offences covered under the Optional Protocol and that it provide the adequate human, technical and financial resources for the strategy's implementation. In doing so, the State party should pay particular attention to prevention, prohibition of offences and rehabilitation and reintegration of victims, in accordance with the provisions of the Optional Protocol and taking into account the outcomes of the world congresses against commercial sexual exploitation of children.**

Coordination and evaluation

9. The Committee notes the information provided by the State party on the Governmental Commission for Minors and the Protection of Their Rights and regional commissions. It also notes that the task of implementing the Optional Protocol is assigned to specialized federal and local executive authorities in addition to the Presidential Commissioner for Children's Rights and the children's rights commissioners of the constituent entities of the Russian Federation. The Committee is concerned, however, that there is no single national body coordinating activities to implement the Optional Protocol.

10. **The Committee recommends that the State party establish a national body empowered to coordinate policies and measures among all the federal and local authorities working on the implementation of the Optional Protocol.**

Independent monitoring

11. **The Committee reiterates its recommendations under the Convention (CRC/RUS/CO/4-5, para. 17) that the State party introduce a transparent and competitive process, regulated by law, for the nomination and appointment of all children's rights commissioners, and that it provide the commissioners' offices with the necessary human, technical and financial resources and their staff with the necessary training on children's rights.**

Dissemination and awareness-raising

12. The Committee notes that the Optional Protocol is disseminated through a legal education system established at the federal and local levels and also through awareness-raising activities by the children's rights commissioners. However, it is concerned that the Optional Protocol is not part of the school curriculum and that children are not informed of its provisions in a systematic manner.

13. **The Committee recommends that the State party make all the provisions of the Optional Protocol widely known to the public, particularly to children and their families, inter alia, by developing and implementing specific long-term awareness-raising programmes at the federal and local levels and incorporating the provisions of the Optional Protocol into school curricula at all levels of the education system using material created specifically for children. It also recommends that the State party intensify and promote awareness among the public at large of the need to prevent and combat crimes under the Optional Protocol, focusing on children who are particularly at risk of becoming victims and their parents.**

Training

14. The Committee appreciates the training for teachers and other educational staff on how to prevent students from becoming involved in sexual exploitation and how to prevent sexual abuse of children and adolescents attending preschool and general and vocational educational establishments. The Committee notes, however, the limited information available on training on the provisions of the Optional Protocol for all other professionals working with and for children.

15. **The Committee recommends that the State party take measures to extend and further strengthen its training activities. In that regard, the State party should ensure that such activities are systematic and multidisciplinary, cover all areas under the Optional Protocol and are provided to all relevant professionals working with and for children, including judges, law enforcement officers, prosecutors, social workers, investigators and immigration officials, and also to employees of the travel and tourism industry, including the staff of hotels.**

Allocation of resources

16. The Committee regrets the lack of information on the allocation of budget resources for the implementation of the Optional Protocol and the assessment of the impact, efficiency, equity and transparency of such allocations.

17. **In the light of its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party provide sufficient and identifiable budget allocations for the implementation of measures to address all areas covered by the Optional Protocol and that it assess the effectiveness, efficiency, equity and transparency of such allocations with regard to the implementation of the Optional Protocol.**

V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

Measures adopted to prevent offences prohibited under the Optional Protocol

18. While noting the information provided by the State party concerning its activities to prevent offences under the Optional Protocol as set out, among others, in paragraph 176 of the State party's report, the Committee is seriously concerned about the insufficient efforts to identify children in need of protection among children in vulnerable and marginalized situations, such as migrant, asylum-seeking and refugee children, children in places of detention, children in closed institutions, children with disabilities and children in psychiatric institutions. It is also concerned that some child victims and children at risk of becoming victims of offences under the Optional Protocol are regarded as potential offenders.

19. **The Committee urges the State party to strengthen its efforts to identify and detect children at risk of falling victim to offences under the Optional Protocol, especially among migrants, asylum-seeking and refugee children, children in places of detention, children in closed institutions, children with disabilities and children in psychiatric institutions. It also recommends that the State party train its law enforcement officials and adopt standard operating procedures to always regard victims or children at risk of becoming victims of offences under the Optional Protocol as victims or potential victims and not as offenders.**

Economic exploitation of children

20. **The Committee recommends that the State party continue its measures to prevent the sale of children for the purpose of child labour by, inter alia, strengthening its efforts to combat the trafficking of children for the purpose of economic exploitation within the country and abroad. It also recommends that the State party take measures to ensure that all children have access to education, irrespective of their parents' legal status in the country, in order to prevent them from becoming victims of sale or labour exploitation. Furthermore, the Committee recommends that the State party collect data on the number, sex, age, ethnicity and origin of children who are subjected to economic exploitation.**

Child marriage

21. **The Committee recommends that the State party enforce the minimum legal age of marriage of 18 years for girls and boys throughout its territory in order to avoid cases of child marriage, especially in the North Caucasus, and ensure that such marriages do not lead to the sale of children under the guise of local traditions.**

Surrogate motherhood

22. **While noting that surrogate motherhood is a complex area that raises many different questions, in the light of articles 1 and 2 of the Optional Protocol the Committee recommends that the State party strengthen its legislation in order to prevent surrogacy arrangements that may lead to the sale of a child.**

Sexual exploitation of children in travel and tourism

23. The Committee is concerned about the alleged information that, despite the significant decrease, there were cases of foreign tourists travelling to the State party for the purposes of sexual exploitation, some of them targeting children. The Committee is also concerned about reports that domestic travellers constitute a large part of those travelling for the purposes of child sexual exploitation in travel and tourism and about domestic sex offenders who travel for the purposes of child sexual exploitation abroad.

24. **The Committee recommends that the State party strengthen its measures to address tourism for the purposes of child sexual exploitation and conduct advocacy with the travel and tourism industry on the harmful effects of the sexual exploitation**

of children. It also recommends that the State party widely disseminate the Global Code of Ethics for Tourism among travel agents and tourism agencies and encourage these enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. It furthermore urges the State party to apply appropriate penalties to the perpetrators of the sexual exploitation of children in travel and tourism, both within the country and abroad, taking into account the gravity of the offence.

Measures to prevent and address online child sexual exploitation and abuse

25. The Committee notes Federal Act 149 of 27 July 2006 on Information, Information Technologies and Data Protection, which created a consolidated register of websites that contain information, including child pornography, that may not be disseminated in the State party. The Committee welcomes the State party's efforts to close down many such prohibited sites; however, it is concerned about alleged information regarding a significant increase in child pornography websites since 2009.

26. **With reference to Human Rights Council resolution 31/7 on the rights of the child, which addresses information and communications technologies and child sexual exploitation, and the outcomes of the 2014 London and 2015 Abu Dhabi WeProtect global summits, the Committee recommends that the State party adopt a coordinated national response for preventing and addressing online child sexual exploitation and abuse, in close collaboration with relevant industries and organizations, consisting of:**

(a) **A national policy to prevent and respond to online child sexual exploitation and abuse through an appropriate legal framework, a dedicated coordination and oversight entity and specific analysis, research and monitoring mechanisms;**

(b) **A strategy for preventing online child sexual exploitation and abuse, including:**

(i) **Public education programmes to raise awareness, and mandatory school education on online behaviour and safety and reporting of online child sexual exploitation and abuse offences;**

(ii) **Child participation in the development of policies and practices;**

(iii) **Information technology industry engagement to block and remove inappropriate online content, report incidents to law enforcement authorities and develop innovative solutions;**

(iv) **Close cooperation with organizations working to end child sexual exploitation online;**

(v) **Ethical and informed media reporting;**

(c) **Appropriate support services for children, including integrated services during investigation, prosecution and aftercare, trained professionals working with and for children and accessible procedures for complaints, compensation and remedies;**

(d) **A child-friendly, proactive, responsive and victim-focused criminal justice system with a trained police force, prosecution and judiciary, management of offenders to prevent reoffending, nationally and internationally, and a national database linked to the International Criminal Police Organization (INTERPOL) database.**

VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3) and 5–7)

Existing criminal laws and regulations

27. The Committee notes that most elements of the offences under articles 2 and 3 of the Optional Protocol are covered by the Criminal Code of the Russian Federation. Nevertheless, it is concerned that the domestic legislation is not fully in compliance with the Optional Protocol. In particular, the Committee is concerned that:

(a) The State party's legislation does not define and criminalize all forms of the sale of children — an offence that is similar, but not identical, to trafficking in persons — and child prostitution;

(b) The State party's legislation, in particular articles 242.1 and 242.2 of the Criminal Code, does not criminalize the possession of child pornography or procuring a child for the purposes of pornography or grooming;

(c) Criminal cases on certain offences under the Optional Protocol can be closed in certain circumstances if the victim withdraws the complaint;

(d) The statute of limitations does not allow a child to file a complaint upon reaching the age of majority.

28. **The Committee recommends that the State party:**

(a) **Define and explicitly prohibit and criminalize all offences, in particular all forms of the sale of children and child prostitution and all elements of child pornography in line with articles 2 and 3 of the Optional Protocol;**

(b) **Ensure that criminal cases involving offences under the Optional Protocol are not closed if the victim withdraws the complaint;**

(c) **Remove the statute of limitations for offences under the Optional Protocol.**

Liability of legal persons

29. The Committee is concerned that legal persons are not criminally liable under the State party's legislation, including for offences under the Optional Protocol, but are liable only under the Code of Administrative Offences.

30. **The Committee recommends that the State party incorporate explicitly into its criminal legislation the liability of legal persons that participate in any of the offences under the Optional Protocol, and prescribe legal sanctions commensurate with the gravity of the crime committed.**

Extraterritorial jurisdiction and extradition

31. With reference to the State party's information in paragraphs 194 and 240–253 of its report, the Committee notes that the State party did not provide any concrete information on whether the Optional Protocol may be used as a tool for extradition of persons suspected of violating its provisions.

32. **The Committee recommends that the State party consider using the Optional Protocol as a basis for extradition in the absence of a treaty or an agreement.**

VII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

33. While noting the efforts made by the State party to assist victims of offences under the Optional Protocol, including the amendments to article 191 (1) of the Code of Criminal Procedure of 1 January 2015, the Committee remains concerned that:

(a) Victims of offences under the Optional Protocol, such as children involved in prostitution, are sometimes treated by law enforcement agencies as offenders rather than victims of crimes;

(b) There is no information on the status of draft Federal Act No. 113190-6 on the amendment of the Code of Administrative Offence in order to specify the age of administrative liability for engaging in prostitution;

(c) Recovery and reintegration services for child victims of offences under the Optional Protocol remain inadequate.

34. **In the light of article 9 (3) of the Optional Protocol, the Committee recommends that the State party:**

(a) **Establish mechanisms and procedures for the early identification of child victims of offences under the Optional Protocol and ensure that those responsible for their identification, including law enforcement officers, border and immigration authorities, judges, prosecutors, social workers and medical staff, are trained in children's rights, child protection and child-friendly interviewing skills;**

(b) **Ensure that children who are victims of offences under the Optional Protocol, including children involved in prostitution, are not treated as offenders or subjected to sanctions for offences related to their situation and are given appropriate support;**

(c) **Provide all child victims with free legal aid and the support of child psychologists and social workers, and ensure they have access to child- and gender-sensitive complaints mechanisms and appropriate, non-discriminatory procedures for seeking compensation and redress;**

(d) **Increase the resources allocated for services targeting child victims of offences under the Optional Protocol and ensure sufficient and appropriate shelter for both immediate relief and long-term services, especially family reunification, when appropriate, or placement in family settings, to ensure the child's full physical and psychological recovery;**

(e) **Provide support to non-governmental organizations providing services to child victims of all offences under the Optional Protocol and undertake regular monitoring and evaluation of the services provided to such victims.**

VIII. International assistance and cooperation (art. 10)

35. **In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State party to continue strengthening international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures and mechanisms for coordinating the implementation of such arrangements, with a view to making progress in respect of the prevention of offences covered by the Optional Protocol and the detection, investigation, prosecution and punishment of those responsible for any such offences.**

IX. Ratification of the Optional Protocol on a communications procedure

36. **The Committee recommends that, in order to further strengthen the fulfilment of children's rights, the State party ratify the Optional Protocol on a communications procedure.**

X. Implementation and reporting

A. Follow-up and dissemination

37. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the President, the parliament, relevant ministries and the judiciary, for appropriate consideration and further action.**

38. **The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.**

B. Next periodic report

39. **In accordance with article 12 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.**